IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 28TH AUGUST 2006 / 6TH BHADRA 1928

WP(C).No. 2898 of 2006(T)

PETITIONER:

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1. ANEESHA N.P.,
KOTHAT HOUSE, MULAVUKAD P.O., ERNAKULAM.

2. RENUKA DEVI N.,
NELLIKUNNATH MADOM, MUTHUR-689107.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:

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1. SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, REPRESENTED BY ITS REGISTRAR, KALADY P.O., ERNAKULAM.

2. THE VICE CHANCELLOR, SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY P.O., ERNAKULAM.

3. SELECTION COMMITTEE CONSTITUTED FOR THE PURPOSE OF SELECTING PERSONS TO THE POST OF INTEGRATED CLASS IV EMPLOYEES, REPRESENTED BY ITS STAFF COMMITTEE CONVENOR, SRI.P.J.JOY.

4. REJIYAN J., CLASS IV ON DAILY WAGES, ADMINISTRATION A SECTION, SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY P.O., ERNAKULAM.

5. KUMARI, COOK ON DAILY WAGES, WORKING WOMENS' HOSTEL, SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY P.O., ERNAKULAM.

6. C.D. SURENDRAN, CLASS IV ON DAILY WAGES, P.R.O'S OFFICE, SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY P.O., ERNAKULAM.

7. M.V. JOSEPH, CLASS IV ON DAILY WAGES, PRINTING UNIT, SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY P.O., ERNAKULAM.

BY ADV. SRI.B.S.KRISHNAN(SR.),SC,SANSKRIT UTY.
SRI.K.ANAND, SC, SANSKRIT UTY.
SMT.LATHA KRISHNAN,SC,SANSKRIT UTY.
SRI.S.GOPAKUMARAN NAIR
SRI.S.SUBHASH CHAND

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/08/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP.2898/06)

EXT.P1: TRUE COPY OF NOTIFICATION DT. 30/5/2005.

EXT.P2: TRUE COPY OF MARK LIST OF SECOND PETR.

EXT.P3: TRUE COPY OF ADMISSION TICKET ISSUED TO FIRST PETITIONER.

EXT.P4: TRUE COPY OF ADMISSION TICKET ISSUED TO SECOND PETR.

RESPONDENTS' EXHIBITS:

EXT.R4(A): TRUE COPY OF ADMISSION TICKET OF PETR.

EXT.R4(B): TRUE COPY OF MEMO DT. 2/2/2006.

EXT.R4(C): TRUE COPY OF ORDER DT. 16/2/2006.

EXT.R4(D): TRUE COPY OF COMMON JUDGMENT IN WP.25631/06 & CONNECTED DT. 24/3/2006.

A.K. Basheer, J.

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W.P(C) No. 2898 of 2006

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Dated this the 28th day of August, 2006.

J U D G M E N T

Petitioners in this writ petition had responded to Ext.P1 notification issued by the Sree Sankara University of Sanskrit at Kalady by which applications were invited from eligible candidates for appointment to the post of Integrated Class IV category. The notification was issued on May 30, 2005. The prescribed qualification was ability to write and read. The upper age limit was fixed at 35 years as on January 1, 2005. Petitioners contend that the University has completed the selection process in violation of the provisions contained in the University Act and the Statutes framed thereunder. They further allege that several unqualified and overaged persons had been included in the short list. The prayers in the writ petition read thus:

> "i) call for the entire records leading to the selection to the post of Integrated Class IV employees in the service of the University as per Ext.P1 notification and declare that the manner and method adopted for selection is vitiated by malafides and conducted in a most arbitrary and unfair manner;
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> ii) call for the records in connection with the written test conducted for selection to the post of Integrated Class IV and direct the University to conduct fresh selection and to consider the inter-

se merit of all the candidates by conducting examination in a fair and reasonable manner;

(iii) Issue a writ of certiorari quashing the list of candidates prepared by the University for interview to the post of Integrated Class IV in the service of the University;

(iv) Issue a writ of certiorari quashing the entire selection process conducted by the University for selection to the post of Integrated Class IV and the notification granting relaxation to the candidates working in the University and also including ineligible candidates for selection;"

A perusal of the averments made in the writ petition and the grounds therein will show that the allegations are more general in nature rather than specific or precise. Petitioners have impleaded respondents 4 to 7 in the writ petition who have allegedly found a place in the short list. These 4 respondents were admittedly working on daily wage basis in the University. Respondent No.4 in his counter affidavit has denied the allegations made against him and contended that he had been selected on the basis of his merit. He had joined duty after completion of the selection process on February 2, 2006 along with other selected candidates.

2. In the counter affidavit of the University it is stated that respondent No.5 had not been selected as alleged by the petitioner. As regards respondents 6 and 7 it is stated that they had been given age relaxation only to the extent of the period they had worked in the

University. This relaxation was given as indicated in Ext.P1 notification itself. It is further contended by the University that the qualification prescribed being only "ability to read and write", a test was held for the candidates who had applied for the post and selection was completed on the basis of the marks obtained in the test and interview.

3. Having heard learned counsel for the parties and having perused the materials on record, I do not find any reason to interfere with the selection process. As mentioned earlier, the petitioners have made several sweeping allegations against the selection process adopted by the University. In this context it is also pertinent to refer to Ext.R4(d) judgment rendered by me in W.P.NO.25631/2005 and other connected cases in which selection to the very same post had been challenged. By judgment dated March 24, 2006 I had repelled all the contentions raised by the petitioners in those cases and held that the refusal of the University to consider over qualified candidates like the petitioners in those cases who had passed Pre-degree, B.A. etc. for selection was not illegal or unjustified. I had dismissed all those writ petitions upholding the selection process.

In the absence of any materials to show that the selection was vitiated in any manner, I do not find any reason to allow the prayer made by the petitioners. Writ Petition is dismissed.

A.K. Basheer
Judge.

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